

### **Remarks**

The various parts of the Office Action are discussed below under similar headings.

#### ***Claim Objections***

The Examiner objected to Claim 1. Claim 1 was amended, as suggested by the Examiner, by inserting the word "the" between "visible indicia layer on" and "other side." Accordingly, the objection is now moot and should be withdrawn.

#### ***Claim Rejections - 35 USC § 112***

The Examiner rejected Claim 9 for failing to particularly point out and claim the invention. Claim 9 has been amended to clarify that the outer film and the carrier film are coextruded to form a film composite comprising two distinct film layers. Accordingly, the rejection is now moot and should be withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 1, 3, 5-9, and 14-16 under 35 U.S.C. §103(a) as being unpatentable over Rackovan (U.S. Patent No. 6,436,496) in view of Will et al. (U.S. Patent No. 5,766,795). In addition, the Examiner rejected claims 2, 4, 10-13, and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Rackovan (U.S. Patent No. 6,436,496) in view of Will et al. (U.S. Patent No. 5,766,795) and in view of Bailey (U.S. Patent No. 5,760,588).

The rejections over Rackovan et al. are not valid under 35 U.S.C. §103(c). Rackovan et al. qualifies as prior art only under 35 U.S.C. §102(e) and Rackovan et al. and the present application were commonly owned, at the time the application was made, as indicated in the enclosed Statement Concerning Common Ownership. Therefore, Rackovan et al. is believed to be disqualified as prior art under 35 U.S.C. §103(c). Accordingly, the rejections based on 35 U.S.C. §103(a) should be withdrawn.

#### ***Conclusion***

In view of the foregoing, this application is now in condition for allowance and an early action to that effect is earnestly solicited.

Attorney Docket No. AVERP03204USA

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 11-4-04

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